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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1286/2025**

NADEEM

.....Petitioner

Through: Mr. Sunil Satyarth, Ms. Amita Saxena, Ms. Archisha Satyarthi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

08.05.2025

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1. This is an application for grant of regular bail to the petitioner in case FIR No. 0149/2020 under Sections 302/392/397/411/34 IPC, registered at Police Station Nangloi.
2. Learned counsel appearing for the petitioner submits that the petitioner seeks bail on the ground of parity. It is submitted that co-accused Sonu Nash, who has similar role, has since been enlarged on bail vide order dated 13.01.2025. He submits that petitioner is languishing in jail since 07.03.2020 and out of 35 witnesses cited by the prosecution, only 8 have been examined, and therefore, the trial is not likely to be concluded in the near future.
3. The bail application is opposed by learned APP appearing for the State, arguing that the petitioner and co-accused had committed murder and



the robbed mobile phone of the victim has been recovered from the possession of the present applicant. It is further submitted that petitioner and the witnesses are the residents of the same locality and petitioner is involved in two cases registered under Arms Act and under Sections 379/411/34 IPC respectively. It is submitted that there is likelihood that upon being released on bail, he may threaten or intimidate the witnesses. He further states that the alleged offence is of heinous nature and, therefore, the petitioner is not entitled for bail.

4. Briefly stated prosecution case is that, on 07.03.2020, at about 01:15 PM, one boy named Monu Chaudhary, was allegedly assaulted by the accused persons and as per the story of prosecution, one of the co-accused, who is CCL, assaulted the deceased with knife and stabbed him, due to which he later expired.

5. The role ascribed to the present applicant is that he had caught hold of the victim, while stab injuries were caused by the CCL. The weapon used in commission of offence is stated to have been recovered from the CCL. Learned counsel for the petitioner states that CCL has since been acquitted.

6. On being asked, Investigating Officer states that both the material witnesses i.e complainant, Gudiya and Sukhram have not supported the prosecution case.

7. Admittedly, co-accused Sonu Nash, having similar role, has since been enlarged on bail by this Court vide order dated 13.01.2025. While granting bail to him, this Court had relied upon the case of **Ajay Lala vs The State of NCT of Delhi** [BAIL APPLN. 1500/2023]. The operative paragraph of the said judgment reads as under:-

“14. Apart from the merits of the case, it cannot be overlooked



that the petitioner is in custody for approximately 03 years and 05 months and there is no possibility of the trial being concluded any time soon, inasmuch as out of 32 witnesses cited by the prosecution, about 20 witnesses have been examined till date. At this stage, there is also a presumption of innocence in favour of the petitioner and in the given circumstance the petitioner cannot be kept in custody to await the outcome of trial, the conclusion of which is likely to take long time.”

8. The petitioner has been in custody since more than last five years. Since lots of witnesses still remain to be examined, there is remote possibility of trial concluding in near future.

9. Having considered the submissions made and in view of the entirety of the facts and circumstances and, in particular, the fact that the co-accused with almost similar role has been granted bail, I am inclined to allow the present petition. The petitioner, is therefore, admitted on bail, subject to the following conditions:-

- i. The petitioner shall furnish a personal bond in the sum of Rs. 20,000/- with surety of the like amount to the satisfaction of the learned trial Court/Duty Magistrate.
 - ii. He shall not try to contact the witnesses or threaten or intimidate them.
 - iii. Upon release, he shall furnish his mobile phone number to the Investigating Officer and shall keep the mobile phone operational at all times and in case of change of address, he shall intimate the same to the Investigating Officer as also to the concerned Court.
10. It is clarified that observations made in the present order are only for the purpose of disposal of present bail application. Hence, nothing stated hereinabove shall tantamount to an expression of opinion on the merits of



the case.

11. The petition is disposed of accordingly.

RAVINDER DUDEJA, J

MAY 8, 2025/vd